

Meeting Notes from the
Blue Ribbon Committee on Shoreline Management
March 13, 2012

The Blue Ribbon Committee (BRC) on Shoreline Management met on Tuesday, March 13, 2012 in the Gressette Building, Room 307, Columbia, S.C. (Attachment 1)

CALL TO ORDER: The meeting was called to order by BRC Chairman Wes Jones at 9:13 a.m. The following members were in attendance:

Mac Burdette
Ray Cleary
Josh Eagle
Wes Jones
Nick Kremydas
Bill Otis
Tom Peeples
Bob Perry
Terry Richardson
Rob Young

Also in attendance were DHEC-OCRM staff and members of the public. (Attachment 2)

Mr. Jones stated that in accordance with the SC Freedom of Information Act (FOIA), broadcast and print media were notified of this March 13, 2012 meeting of the BRC. Additional notices were posted at Department offices and on the website.

Mr. Jones provided a recommendation for committee discussion regarding quorum for meetings. He stated that he had spoken with Department Board members and staff, and felt comfortable establishing quorum at eight (50% of members) based on the number of members that have been officially present at previous meetings. He expressed frustration over the difficulty in acquiring quorum and indicated that unless the issue could be resolved, the BRC should be concluded. The members discussed this recommendation.

Concern was expressed over the proposed reduction in the number to establish quorum. It was stated that the 16 member committee was established with a balance of interests. If quorum is reduced to eight, this would result in a reduction of the 2/3 majority to five members. There was concern that the outcome of a recommendation from a smaller majority may not be representative of the group, but instead of those present at the meeting. Many members reiterated their frustration over establishing quorum at past meetings, and suggested that members attend if they are concerned that their position is not being represented. It was agreed that a smaller quorum was necessary for progress.

It was moved, and seconded, to establish quorum at nine members for all future meetings of the Blue Ribbon Committee on Shoreline Management. *The motion passed unanimously.*

One member suggested that the committee consider establishing smaller working groups to refine the recommendations and increase the likelihood of passage through the General Assembly. Mr. Jones noted that the committee would review the draft report to ensure that recommendations were captured as intended, and would have the opportunity to present more details via working groups at that time.

ACTION ITEM:**Approval of February 21, 2012 meeting notes**

It was moved, and seconded, to approve the meeting notes of the February 21 meeting. *The meeting notes were approved.*

PUBLIC COMMENT PERIOD:

Time was allocated to the public for comment. No comments were received.

COMMITTEE DISCUSSION:

Ms. Boltin-Kelly reminded the committee that there are three meetings remaining based upon the revised work plan approved by the committee. She indicated that staff would present an outline for the remaining meetings, as well as the process for drafting and review of the final report, at the April meeting. Mr. Otis requested that staff provide information at a later meeting on California's local coastal program and present the pros and cons of devolving beachfront management to the local level.

Emergency Orders and Sandbags - Facilitated by Matt Slagel, DHEC-OCRM Shorelines Specialist
Mr. Slagel reviewed the presentation on *Emergency Orders and Sandbags* that was presented at the February 21 meeting. He presented specific aspects of each topic for the committee's discussion and recommendations.

Initially, the definition of "emergency" was discussed. Members asked whether emergency orders (EOs) can be requested to shore up property that is experiencing chronic erosion. One member noted that the definition of "emergency" used the wording "... including damages or erosion...resulting from a hurricane, storm, or other such violent disturbance". He interpreted that to mean property being threatened by non-storm related events could also be issued an EO. Another noted that the definition included "unusual event" in the language, and therefore should limit its use to storm related events. Ms. Boltin-Kelly stated that the policy of DHEC-OCRM has been to issue EOs only under conditions of a storm event. However, she noted that the Department would like to have a recommendation from the BRC to clarify this issue. It was noted that highly erosional areas particularly along inlets are more vulnerable to storm events given their existing erosional conditions. A list of issued EOs showed that most were associated with property in these highly erosional areas. One member noted that it would be difficult to separate the issue of chronic erosion and emergency related erosion given this correlation.

The committee next discussed who should have the authority to issue an EO. There was concern expressed that the Department didn't have appropriate enforcement mechanisms in place to deal with instances where a local government issues EOs for non-emergency events. One member suggested that the state be allowed to reduce state funding to the local government if they are found out of compliance. Another suggested that the authority to issue EOs be revoked if a local government is noncompliant. It was noted that these would be reasonable approaches as long as the authority to issue EOs by a local government is restricted to "soft" solutions like sand scraping and minor renourishment. It was suggested that the authority to issue sandbags under an EO be examined separately.

One member asked whether there was a limit on the number of EOs that could be issued for a property. Staff noted that the Shoreline Change Advisory Committee (SCAC) recommended a limit of one EO per property; however, the law currently allows multiple EOs to be issued. The committee discussed whether limiting EOs for a property was appropriate. It was suggested that any committee recommendation include language to limit the financing of work conducted under an EO to local or private funds. Some members however, wanted to ensure that this limitation didn't impact major statewide emergency events such as a major hurricane.

A motion was made, and seconded, to adopt the following as a recommendation of the committee: *Retain existing provisions for emergency orders relating to minor renourishment and sand scraping (excluding sandbags), provided they meet the existing definition of “emergency” and activities are accomplished through private or local funding. In the event of an executive or state issued emergency order, state funding would not be precluded.*

The motion passed with 10 members voting in favor of the motion. Members voting in favor were Burdette, Cleary, Eagle, Jones, Kremydas, Otis, Peebles, Perry, Richardson, and Young.

Mr. Slagel provided an overview of the proposed process for issuing emergency orders for sandbags that was recommended by the SCAC. The proposed process would limit authority to issue sandbags to the Department, and would require property owners to post a bond for eventual removal. Sandbags would be allowed to remain on the beach for a period of up three years provided the property owner submits an acceptable plan for renourishment, and that a renourishment permit is approved by the Department. Sandbags would remain for shorter time frames for plans that addressed removal or relocation of the structure in peril. If plans are not developed for renourishment, or removal or relocation of an imperiled structure, then the sandbags would remain on the beach for 90 days.

The committee discussed the proposed process. There were concerns expressed over enforcement mechanisms in place to remove the bags, and the need to limit the number of EOs being issued at the same location for chronic erosion. It was suggested that property owners be limited in the number of times an EO for sandbags could be requested. Others stated that if the proposed process was followed, it should reduce the number of repeated requests. It was questioned whether the required bond would be enough to remove sandbags from the beach, or if stronger enforcement mechanisms were needed, like a lien on the property, to prevent abuse of the process. Staff indicated that a bond would be sufficient and would investigate the type of bond that would be appropriate.

One member inquired whether use of this process would allow for larger bags to be issued. Another expressed concern over use of the larger bags, indicating that they act like seawalls and are more difficult to remove. Mr. Slagel provided information on the type and size of sandbags used for emergencies. He noted that the Department currently recommends use of bags measuring one cubic yard. Some members noted that the Department should have discretion to determine the appropriate size and material for sandbags given changes in technology.

Finally it was suggested that a definition for “acceptable plan” be provided as the details of the process are drafted. It was suggested that at this stage in the process, an “acceptable plan” may include an outlined plan or letter of proposal. It was also suggested that detailed language for the process should include that sandbags “shall” be removed as directed or the party would be subject to lawsuit.

A motion was made, and seconded, to adopt the following as a recommendation of the committee: *Adopt the Shoreline Change Advisory Committee’s process for issuing emergency orders for sandbags to include sole issuance authority by the Department, bonds for sandbag removal, and discretion by the Department for determining size and material of sandbags.*

The motion passed with 10 members voting in favor of the motion. Members voting in favor were Burdette, Cleary, Eagle, Jones, Kremydas, Otis, Peebles, Perry, Richardson, and Young.

Finally, the committee discussed the types of structures that should be allowed protection by sandbags. Mr. Slagel presented the SCAC recommendation which included limiting the use of sandbags to the protection of habitable structures and critical infrastructure (excluding expendable structures such as decks, steps, walkways, and swimming pools).

One member expressed disagreement with limiting structures that can be protected if a private property owner provides a bond and pays for the project. Another noted that sandbags have a more severe impact to the beach than “soft” solutions like renourishment and sand scraping, and can cause further erosion in the area. Discussion continued regarding critical infrastructure including protection for golf courses and whether public and private infrastructure should be discussed separately. It was stated that the oceanfront golf courses are tourism drivers and can have as much value to the local or state economy as a private residence.

Staff was asked to provide potential motions for consideration by the committee for the remaining topics regarding emergency orders.

MEETING WRAP UP:

Committee members will be polled to determine the best available dates for the April, May and June meetings. The next meeting will continue discussions related to emergency orders and sandbags, and introduce the topics of beach renourishment and groins.

Mr. Jones adjourned the meeting at 11:48 a.m.

Attachments:

- 1 Agenda
- 2 Sign-in Sheet



Promoting and protecting the health of the public and the environment.

Blue Ribbon Committee on Shoreline Management

March 13, 2012

*The Gressette Building, Room 307
1101 Pendleton Street
Columbia, SC 29201*

AGENDA

- 9:00 am **Welcome and Introductions**
Wes Jones, Chair
- Action: Approval of February 21 Meeting Notes*
- 9:15 **Public Comment Period**
- 9:30 **Committee Discussion on Emergency Orders and Sandbags**
- Matt Slagel, DHEC-OCRM Shorelines Specialist
- 11:45 **Wrap Up**
Wes Jones, Chair
- 12:00 **Adjourn**

